

APPEAL NO. 023074  
FILED JANUARY 16, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on October 28, 2002. The hearing officer determined that (1) the appellant (claimant) did not sustain a compensable repetitive trauma injury; (2) the date of injury (DOI), pursuant to Section 408.007, is \_\_\_\_\_; and (3) the respondent (self-insured) is not relieved from liability under Section 409.002, because the claimant timely notified his employer of an injury pursuant to Section 409.001. The claimant appeals the hearing officer's injury determination on sufficiency of the evidence grounds. The self-insured did not file a response. The hearing officer's DOI and notice determinations were not appealed and are, therefore, final. Section 410.169.

DECISION

The decision and order of the hearing officer have become final pursuant to Section 410.169.

Pursuant to Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 102.5(d) (Rule 102.5(d)), the hearing officer's decision is deemed to have been received by the claimant five days after the date the decision was mailed by the Texas Workers' Compensation Commission (Commission). A written request for appeal must be filed within 15 days of the date of receipt of the hearing officer's decision, excluding Saturdays, Sundays, and holidays listed in Section 662.003 of the Texas Government Code. Section 410.202(a) and (d). The Commission records indicate that the hearing officer's decision was mailed to the claimant on November 1, 2002. The claimant was deemed to have received the decision on November 6, 2002. The last date for the claimant to timely file an appeal was December 2, 2002. The appeal indicates that it was hand-delivered and mailed to the Commission on December 3, 2002, one day after the 15-day deadline. The appeal is, therefore, untimely.

The appeal being untimely, the jurisdiction of the Appeals Panel was not properly invoked and the decision and order of the hearing officer has become final pursuant to Section 410.169.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**PRESIDENT & CEO  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Edward Vilano  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge